

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMIE & ROBERT PELLIGRINI,
Individually and ppa SAVERIO
PELLIGRINI and MAXIMUS
PELLIGRINO, minors.
Plaintiffs,

CIVIL ACTION NO: 05-10387-NMG

V.

BARBARA STRICKER-FRIEDMAN, M.D.,
OB/GYN GROUP OF ATTLEBORO, INC.,
ET ALS,
Defendants.

**ANSWER OF THE DEFENDANT, OB/GYN GROUP OF ATTLEBORO, INC.,
TO THE PLAINTIFFS' COMPLAINT**

FIRST DEFENSE

1. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the plaintiffs' Complaint.
2. The allegations contained in Paragraph 3 of the plaintiff's Complaint do not apply to the said defendant.
3. The said defendant admits the allegations contained in Paragraph 3 of the plaintiffs' Complaint.
4. The allegations contained in Paragraph 4 of the plaintiff's Complaint do not apply to the said defendant.
5. The allegations contained in Paragraph 5 of the plaintiff's Complaint do not apply to the said defendant.
6. No answer required.
7. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the plaintiffs' Complaint.
8. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the plaintiffs' Complaint.
9. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the plaintiffs' Complaint.

10. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the plaintiffs' Complaint.

11. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the plaintiffs' Complaint.

12. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the plaintiffs' Complaint.

13. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the plaintiffs' Complaint.

14. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the plaintiffs' Complaint.

15. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the plaintiffs' Complaint.

16. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the plaintiffs' Complaint.

17. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the plaintiffs' Complaint.

18. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the plaintiffs' Complaint.

19. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the plaintiffs' Complaint.

20. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the plaintiffs' Complaint.

21. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the plaintiffs' Complaint.

22. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the plaintiffs' Complaint.

23. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the plaintiffs' Complaint.

24. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the plaintiffs' Complaint.

COUNT I

1. The allegations contained in Paragraph 1 of Count I of the plaintiff's Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count I of the plaintiff's Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count I of the plaintiff's Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count I of the plaintiff's Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count I of the plaintiff's Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count I of the plaintiff's Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count I of the plaintiff's Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count I of the plaintiff's Complaint do not apply to the said defendant.

COUNT II

1. The allegations contained in Paragraph 1 of Count II of the plaintiff's Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count II of the plaintiff's Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count II of the plaintiff's Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count II of the plaintiff's Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count II of the plaintiff's Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count II of the plaintiff's Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count II of the plaintiff's Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 1 of Count II of the plaintiff's Complaint do not apply to the said defendant.

COUNT III

1. The allegations contained in Paragraph 1 of Count III of the plaintiff's Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count III of the plaintiff's Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count III of the plaintiff's Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count III of the plaintiff's Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count III of the plaintiff's Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count III of the plaintiff's Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count III of the plaintiff's Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count III of the plaintiff's Complaint do not apply to the said defendant.

9. The allegations contained in Paragraph 9 of Count III of the plaintiff's Complaint do not apply to the said defendant.

COUNT IV

1. The said defendant repeats and reavers its answers to Paragraphs 1 through 24 of the plaintiffs' Complaint.

2. The said defendant denies the allegations contained in Paragraph 2 of Count IV of the plaintiffs' Complaint.

3. The said defendant denies the allegations contained in Paragraph 3 of Count IV of the plaintiffs' Complaint.

4. The said defendant denies the allegations contained in Paragraph 4 of Count IV of the plaintiffs' Complaint.

5. The said defendant denies the allegations contained in Paragraph 5 of Count IV of the plaintiffs' Complaint.

6. The said defendant denies the allegations contained in Paragraph 6 of Count IV of the plaintiffs' Complaint.

7. The said defendant denies the allegations contained in Paragraph 7 of Count IV of the plaintiffs' Complaint.

8. The said defendant denies the allegations contained in Paragraph 8 of Count IV of the plaintiffs' Complaint.

WHEREFORE, the said defendant denies that the plaintiffs are entitled to judgment against it.

COUNT V

1. The said defendant repeats and reavers its answers to Count IV of the plaintiffs' Complaint.

2. The said defendant denies the allegations contained in Paragraph 2 of Count V of the plaintiffs' Complaint.

3. The said defendant denies the allegations contained in Paragraph 3 of Count V of the plaintiffs' Complaint.

4. The said defendant denies the allegations contained in Paragraph 4 of Count V of the plaintiffs' Complaint.

5. The said defendant denies the allegations contained in Paragraph 5 of Count V of the plaintiffs' Complaint.

6. The said defendant denies the allegations contained in Paragraph 6 of Count V of the plaintiffs' Complaint.

7. The said defendant denies the allegations contained in Paragraph 7 of Count V of the plaintiffs' Complaint.

8. The said defendant denies the allegations contained in Paragraph 7 of Count V of the plaintiffs' Complaint.

9. The said defendant denies the allegations contained in Paragraph 9 of Count V of the plaintiffs' Complaint.

WHEREFORE, the said defendant denies that the plaintiffs are entitled to judgment against it.

COUNT VI

1. The said defendant repeats and reavers its answers to Counts I through III and VIII through X of the plaintiffs' Complaint.

2. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of Count VI of the plaintiffs' Complaint.

3. The said defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of Count VI of the plaintiffs' Complaint.

4. The said defendant denies the allegations contained in Paragraph 4 of Count VI of the plaintiffs' Complaint.

5. The said defendant denies the allegations contained in Paragraph 5 of Count VI of the plaintiffs' Complaint.

6. The said defendant denies the allegations contained in Paragraph 6 of Count VI of the plaintiffs' Complaint.

7. The said defendant denies the allegations contained in Paragraph 7 of Count VI of the plaintiffs' Complaint.

WHEREFORE, the said defendant denies that the plaintiffs are entitled to judgment against it.

COUNT VII

1. The said defendant repeats and reavers its answers to Paragraphs 1 through 24 and Counts IV and V of the plaintiffs' Complaint.

2. The said defendant denies the allegations contained in Paragraph 2 of Count VII of the plaintiffs' Complaint.

3. The said defendant denies the allegations contained in Paragraph 3 of Count VII of the plaintiffs' Complaint.

4. The said defendant denies the allegations contained in Paragraph 4 of Count VII of the plaintiffs' Complaint.

5. The said defendant denies the allegations contained in Paragraph 5 of Count VII of the plaintiffs' Complaint.

6. The said defendant denies the allegations contained in Paragraph 6 of Count VII of the plaintiffs' Complaint.

7. The said defendant denies the allegations contained in Paragraph 7 of Count VII of the plaintiffs' Complaint.

WHEREFORE, the said defendant denies that the plaintiffs are entitled to judgment against it.

COUNT VIII

1. The allegations contained in Paragraph 1 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

COUNT VIII

1. The allegations contained in Paragraph 1 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count VIII of the plaintiffs' Complaint do not apply to the said defendant.

COUNT X

1. The allegations contained in Paragraph 1 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

9. The allegations contained in Paragraph 9 of Count X of the plaintiffs' Complaint do not apply to the said defendant.

COUNT XI

1. The allegations contained in Paragraph 1 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count XI of the plaintiffs' Complaint do not apply to the said defendant.

COUNT XII

1. The allegations contained in Paragraph 1 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

8. The allegations contained in Paragraph 8 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

9. The allegations contained in Paragraph 9 of Count XII of the plaintiffs' Complaint do not apply to the said defendant.

COUNT XIII

1. The allegations contained in Paragraph 1 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count XIII of the plaintiffs' Complaint do not apply to the said defendant.

COUNT XIV

1. The allegations contained in Paragraph 1 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

2. The allegations contained in Paragraph 2 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

3. The allegations contained in Paragraph 3 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

4. The allegations contained in Paragraph 4 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

5. The allegations contained in Paragraph 5 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

6. The allegations contained in Paragraph 6 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

7. The allegations contained in Paragraph 7 of Count XIV of the plaintiffs' Complaint do not apply to the said defendant.

SECOND DEFENSE

And further answering, the said defendant says that the Complaint, and each and every count thereof, fails to state a cause of action.

THIRD DEFENSE

And further answering, the said defendant says that the plaintiff was not in the exercise of due care, but rather the negligence of the plaintiff contributed to cause the injury or damage complained of, wherefore the recovery of the plaintiff is barred in whole or in part, or is subject to diminution.

FOURTH DEFENSE

And further answering, the said defendant says that the plaintiff assumed the risk of injury and damage and cannot recover in this action.

FIFTH DEFENSE

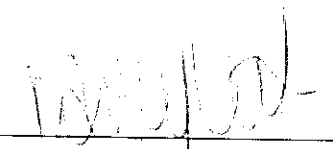
And further answering, the said defendant says that this action has not been brought within the time specified by the General Laws of this Commonwealth.

SIXTH DEFENSE

And further answering, the said defendant says that the within action is barred by the provisions of the Massachusetts General Laws, Chapter 258.

THE DEFENDANT, OB/GYN GROUP OF ATTLEBORO, INC.,
CLAIMS TRIAL BY JURY

Respectfully submitted
by its attorney,



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CERTIFICATE OF SERVICE

I, Nancy L. Watson, attorney for said defendant, hereby certify that I have this day served copies of this document upon all parties via first class mail, postage prepaid, directed to: Amato DeLuca, Esq., DeLuca & Weizenbaum, Ltd., 199 North Main Street, Providence, RI 02903.

Date: April 15, 2005



NANCY L. WATSON